REMARKS

I. Introduction

In response to the Office Action dated June 13, 2003, claims 2, 12, 16, 26, 30, and 40 have been cancelled, claims 1, 11, 13, 15, 17, 25, 27, 29, 31, 39, and 41 have been amended, and 43-54 have been added. Claims 1, 3-11, 13-15, 17-25, 27-29, 31-39, and 41-54 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Prior Art Rejections

In paragraphs (1)-(2) of the Office Action, claims 1-9, 11-23, 25-37, and 38-42 were rejected under 35 U.S.C. §102(e) as being unpatentable over Aravamudan et al., U.S. Patent No. 6,301,609 (Aravamudan). In paragraphs (4)-(5) of the Office Action, claims 10, 24, and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aravamudan and further in view of Godlewski, U.S. Patent No. 6,421,354 (Godlewski).

Specifically, claims 1, 2, 11 and 12 were rejected as follows:

> Regarding claims 1 and 2 Aravamudan et al teaches a method for enabling cellular instant messaging comprising (abstract):
> receiving a telemetry message that indicates the availability on a cellular network of a first cellular phone (col. 7, lines 20-65);
> storing information regarding the first cellular phone in an instant messaging database, wherein the information comprises a buddy list (col.4, lines 30-45, col. 6, lines 10-30, col. 9, lines 55-65); and
> transmitting a browser alert to one or more relevant buddies identified in the buddy list (col.7 lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25).
>
> As to claims 11 and 12:
> Aravamudan et al teaches a method for enabling cellular instant messaging comprising (abstract):
> transmitting, from a first cellular phone, a telemetry message that indicates the first cellular phone's availability on a cellular network (col.6, lines 10-45, col. 9, lines 55-65);
> receiving a browser alert, on the first cellular phone, indicating availability of buddies on a buddy list of the first cellular phone (col. 7 lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25).

Applicant traverses the above rejections for one or more of the following reasons:

(1) Neither Aravamudan nor Godlewski teach, disclose or suggest a remote feature activation message; and

(2) Neither Aravamudan nor Godlewski teach, disclose or suggest using/receiving a remote feature activation message to indicate availability on a cellular network.

Independent claims 1, 11, 15, 25, 29, and 39 are generally directed to enabling instant messaging on a cellular network. The independent claims are amended herein to incorporate the prior limitation present in claims 2, 12, 16, 26, 30, and 40 where the telemetry message is a remote feature activation message. Accordingly, the independent claims provide for a telemetry message that is in the form of a remote feature activation message. The remote feature activation message is transmitted from the cellular phone. Further, remote feature activation messages are specific types of messages as described in the application on page 8, line 10-page 9, line 4.

The specific types/forms of remote feature activation messages are further described in the new dependent claims. These new dependent claims provide that the message may be data encoded in a dialed digits field of a message. In addition, the message may identify a cellular phone as a roaming cellular phone that desires to activate/deactivate a feature. As described in the specification, such a message may be in the form of a fictitious area code preceded by the star character (*). The message is interpreted by the cellular network as identifying a roaming cellular phone that desires to activate/deactivate a feature (e.g., call forwarding, call waiting, etc.). Accordingly, the message is transmitted to the cellular phone's home cellular network. The home cellular network interprets the message as being available on a cellular network for purposes of instant messaging. Thus, the remote feature activation message for use in instant messaging is handled by the cellular network similar to standard remote feature activation messages. Yet the remote feature activation of the present invention enables cellular instant messaging.

The cited references do not teach nor suggest these various elements of Applicant's independent claims.

Aravamudan merely describes a unified messaging solution and services platform by utilizing the features and capabilities associated with instant messaging to locate a registered user, query the user for a proposed message disposition, and coordinate services among a plurality of communication devices, modes, and channels. A user proxy is registered to the user as a personal communication services platform. The user is able to define various rules for responding to received data and communications, the rules stored within a rules database servicing the communication services platform. Instant messaging is used for communications between the user and the communication services platform's user proxy.

However, the rejection completely fails to address the limitations present in the canceled dependent claims wherein the telemetry message is a remote feature activation message. In this regard, Aravamudan lacks any discussion and completely fails to describe, implicitly or explicilty, such remote feature activation messages. The cited portions of Aravamudan merely describe a communications services platform (CSP) checking for pending events and how to determine when a user is no longer active (see col. 7, lines 20-65). In this regard, the CPE montiors for user interaction and relays changes in state with a server (see col. 7, lines 49-52). The cited portion of Aravamudan also describes client premises equipment generating a message indicating activity or nonactivity of a user (see col. 7, line 49 – col. 8, line 4). However, such active/inactive messages are not equivalent to a remote feature activation message as claimed, as described in the specification, or as understood in the art. In fact, earlier in col. 7, lines 3-9 describes that upon detecting network connectivity, the software generates a message indicating a user's online status and current user address to an IM server. If anything, such a message may be roughly similar to a registration notification message described in the current specification. However, such a message is not equivalent and cannot possibly render obvious a remote feature activation message, as claimed.

Aravamudan does not even remotely contemplate, implicitly or explicitly, the claimed remote feature activation message. As described above, such a message may appear to the cellular network as a message for activating/deactivating a feature provided by a cellular network (such as call waiting or caller ID). Accordingly, if received in a remote cellular network, the claimed remote feature activation message is forwarded to a phone's home cellular network for processing and initializing the instant messaging of the invention.

The Office Action also relies on col. 6, lines 10-45 and col. 9, lines 55-65 to teach the remote feature activation message as originally claimed. Col. 6, lines 10-45 merely describes databases that store client information including online status and location. However, such language does not even remotely refer or allude to a remote feature activation message as claimed. Similarly, col. 9, lines 55-65 merely describes the storage of buddy information including the assignment of a priority level to the buddy. There is no mention, explicit or implicit, of anything similar or comparable to the remote feature activation message of the presently claimed invention.

Thus, as described above, Aravamudan does not even contemplate the use of remote feature activation messages as claimed. Instead, Aravamudan teaches the utilization of other types of

monitoring and messaging. In this regard, Aravamudan teaches away for using remote feature activation messages in the manner claimed.

In addition to the above, the references fail to address the dependently claimed feature wherein the telemetry indicates that a cellular phone has been powered on. There is no mention, explicit or implicit in any of the cited references that describes the powering up or powering down of a cellular phone. In fact, an electronic search of the term "power" in Aravamudan only results in a reference to a "powerful synergistic combination" in Aravamudan's background. Without even mentioning the word "power" in the context of powering on/off a cellular phone, Aravamudan cannot possibly teach the invention as claimed. Accordingly, the prior art does not render obvious and fails to teach the invention as claimed.

Moreover, the various elements of Applicant's claimed invention together provide operational advantages over Aravamudan and Godlewski. In addition, Applicant's invention solves problems not recognized by Aravamudan and Godlewski.

Thus, Applicant submits that independent claims 1, 11, 15, 25, 29, and 39 are allowable over Aravamudan and Godlewski. Further, dependent claims 2-10, 12-14, 16-24, 26-28, 30-38, and 40-42 are submitted to be allowable over Aravamudan and Godlewski in the same manner, because they are dependent on independent claims 1, 11, 15, 25, 29, and 39, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-10, 12-14, 16-24, 26-28, 30-38, and 40-42 recite additional novel elements not shown by Aravamudan and Godlewski.

III. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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